

EX PARTE OR LATE FILED



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March 20, 1998

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte: Cellular Service in the Gulf of Mexico - WT Docket No. 97-112
Amendment of Part 22 - CC Docket No. 90-6

Dear Ms. Salas:

On March 20, 1998, representatives of GTE met with Mr. David Wye and Ms. Jeanine Poltronieri of the Commission's Wireless Telecommunications Bureau. The purpose of the meeting was to discuss GTE's position with the above-captioned proceeding and to present alternatives to the Commission's proposed rules. GTE continues to believe that the proposal previously made in GTE's comments best serves the public interest. However, alternatives to the proceeding were presented as a reasonable compromise position. The attached material was used in the discussion.

Please include a copy of this notification and the attached discussion material into the record of this proceeding in accordance with Section 1.1206(b)(1) of the Commission's rules concerning ex parte communications. Please feel free to call me if you have any questions regarding this matter.

Sincerely,

May Chan

Attachment

cc: D. Wye
J. Poltronieri

No. of Copies rec'd 024
List A B C D E

POTENTIAL GULF COMPROMISE

Presented March 20, 1998

GTE continues to believe that the proposal made previously in GTE's comments – extending the market boundaries of land-based cellular providers 25 to 50 miles into the Gulf of Mexico – best serves the public interest. However, in the event Commission elects not to adopt that proposal, GTE submits the following as a reasonable compromise position.

The FCC would adopt an order that adopts all of the elements of its current Gulf of Mexico proposal, with the following exceptions. The FCC order would:

1. Find as a policy matter that while providing reliable cellular service in the coastal waters of the Gulf is a primary objective of this proceeding, meeting this objective should not be at the expense of cellular licensees' ability to provide dependable cellular service on the land. Thus, notwithstanding the presence of Gulf of Mexico-based licensee service contours in the coastal waters of the Gulf, the Commission would find that the public interest will be served by authorizing extensions into the Gulf of Mexico by land-based cellular providers in the following circumstances:
 - A. Where needed, and to the extent needed, to enable land-based cellular licensee adjacent to the Gulf to provide dependable cellular service throughout land markets and to ensure that the land-based provider is the "best server" at all points in its market area;
 - B. Where a land-based cellular provider can show that the only interference caused by the land-based providers' extension into the Gulf to the Gulf-based cellular provider would be interference with the Gulf provider's ability to serve cellular antennas more than six feet above the surface of the Gulf, and the land-based provider can show that but for the extension into the Gulf, cellular users with portable phones or antennas mounted six feet or less above the surface of the Gulf will not receive dependable cellular service;
 - C. Where the land-based cellular provider can show that, but for the extension, existing land-based antennas or cell sectors currently needed to provide dependable cellular service to land-based customers would need to be shut down; or
 - D. Where no licensee shows a service contour in the extension area.
2. The FCC would adopt a policy encouraging Gulf- and land-based cellular providers to negotiate extensions into the Gulf from new or existing land-based sites based on the above criteria. If, however, negotiations do not

result in an extension agreement, the party seeking an extension may petition the Commission for approval of a proposed extension. A review proceeding would work like any other FCC license proceeding -- there would be an application, a period for parties to oppose the application, and a period for the applicant to reply to any opposition. Extension applications would be reviewed based on the following criteria:

- A. The need for the extension in terms of serving land-based customers;
 - B. The effect the extension will have on the Gulf-based provider's ability to serve its customers;
 - C. The effect the extension will have on the ability of all cellular customers to receive dependable service in the extension area; and
 - D. Whether less intrusive alternatives are available.
3. Any extensions into the Gulf authorized under these rules would not become part of the CGSA of the land-based provider. Thus, the land-based provider would receive no interference or capture of subscriber traffic protection in extension areas. Rather the extension areas would remain part of the CGSA of the Gulf-based provider. The Gulf-based provider, however, would lose its interference and capture of subscriber traffic protection in the extension area, but only as to interference or capture of subscriber traffic from the extending land-based provider. The Commission would need to amend Section 22.911(d) to reflect that no such protection exists in Gulf extension areas granted under these rules.
 4. The FCC would amend its current proposal to extend the Coastal Zone in Florida where no offshore platforms exist. The Coastal Zone in these areas would extend 50 miles from the shore.
 5. The Commission would affirm either that land-based transmitters are not permitted by Gulf-based cellular providers or that land-based transmitters may be used by Gulf-based providers, but that any land-based transmitter contour cannot extend into the CGSA of a land-based cellular provider without the authorization of the affected land-based cellular provider.
 6. Definitions:
 - A. A cellular licensee is deemed the **best server** if that carrier's signal is stronger than all other cellular signals by at least 6dB;
 - B. **Dependable cellular service** means that the average signal strength at the measurement point is -75 dBm or higher.